IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7007 OF 2005
WITH
CRIMINAL APPLICATION NO.7008 OF 2005

Mr.Saunak Choksi and Anr. ..Applicants

Vs.

State of Maharashtra & Anr. ..Respondents

...

Mr. Manish Bohra i/b A.S.Khan & Associates
Advocate for Applicants
Ms.S.V.Gajare A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 26, 2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Spl.Metropolitan Magistrate, Small Causes Court, Mumbai in C.C.No. 1687/SS/2005 and learned Metropolitan Magistrate, 23rd Court at Esplanade, Mumbai, in C.C. No.2005/SS/2005. In the said cases, process was issued against the

applicants under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revisions before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revisions will be preferred within five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks.

5. On the necessary revisions being preferred by

the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matters on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]